

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE

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LETTER OPINION FILED WITH THE CLERK OF THE COURT

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Re: United States v. Luiz Diaz
Criminal Action No. 14-283 (RMB)

Mr. Counsel:

This matter comes before the Court upon Defendant Luiz Diaz's Motion to Reduce Sentence Pursuant to the First Step Act [Dkt. No. 362] and Motion for Release under 18 U.S.C. §3582(c)(1)(A) for home confinement [Dkt. No. 373]. Both Motions are DENIED.

First, Defendant contends that when he was sentenced, the Court did not apply the provisions of the First Step Act of 2018 which revised the drug quantity calculation applicable to Defendant. He is wrong. A review of the record plainly shows that the Pre-Sentence Report, adopted by this Court, incorporated the Act's prescribed calculations for drug weights.

As for Defendant's request that this Court order the Bureau of Prisons to place him in home confinement for the remainder of his sentence, this Court lacks the authority to issue such order. The BOP is responsible for determining an inmate's place of incarceration. 18 U.S.C. § 3621(b), McKune v. Lile, 536 U.S. 24, 39 (2002).

Accordingly, for these reasons, Defendant's Motions are DENIED.¹

Very truly yours,

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge

¹ If the Court has misunderstood the nature of any of Defendant's requests, he may clarify his requests and seek this Court's reconsideration.